

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.466 of 2024

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1. Bimlesh Kumar Pandey son of Chakradhar Pandey, Resident of Village-Dharmapura, P.S.-Ara Muffasil, P.O.-Dhamar, District-Bhojpur.
 2. Anil Kumar Shukla, Son of Ram Ashish Shukla, Resident of M-N-2, Fajal Ganj, P.O.-Sasaram, P.S.-Chenari, District-Rohtas.
 3. Saurabh Kumar, Son of Kameshwar Sharma, Resident of Village-Morwa Raytol, P.O.-Morwa, P.S. Musrigharari, District-Samastipur.
 4. Kishore Kunal son of Anant Kumar Sinha, Resident of Village-Hasanpur, P.O.-Patori, P.S.-Shahpur Patory, District-Samastipur.
 5. Vivek Kumar Mishra, Son of Naval Kishor Mishra, Resident of Village-Atihar, P.O.-Atihar, District-Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Chairman, Bihar Public Service Commission, Nehru Path, Bailey Road, Patna.
4. The Examination Controller (Tre-II), Bihar Public Service Commission, Nehru Path, Bailey Road, Patna.
5. The Examination Controller, Bihar School Examination Board.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Dinu Kumar, Adv. Mrs. Ritika Rani, Adv. Mr. Vardan Mangalam, Adv. Mr. Himja G Singh, Adv.
For the Respondent/s	:	Mr. Addl. Advocate General 5
For the BPSC	:	Mr. Rajni Kant Jha, Adv.
For the BSEB	:	Mr. P K Shahi, Sr. Adv. Mr. Gyan Shankar, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

6 16-09-2025 Heard the parties.

2. The petitioners, who are the unsuccessful
candidates under the Economically Weaker Section against the



Advertisement No. 27/23 have approached this Court seeking a direction upon the respondent State to grant relaxation of 5% in qualifying marks against their category of Economically Weaker Section, as has been extended to other reserved category candidates.

3. Mr. Dinu Kumar, learned Advocate for the petitioners has categorically stated that the facts are admitted that the General Administration Department issued Memo No. 2374 dated 16.07.2007, prescribing the guidelines for relaxation of cut-off marks in various reserved categories in examinations conducted by BPSC and Bihar Staff Selection Commission. However, there is no guidelines or direction for relaxation of cut-off marks for EWS category candidates and the reservation extended to them is limited to reservation of seats only. He further submits that the relaxation, as sought for, is extended to the other neighbouring State, such as State of Jharkhand, Rajasthan and Madhya Pradesh. However, till date, no policy decision has been taken and thereby, depriving the petitioners, who belong to EWS from such relaxation. For ventilating the grievance, the petitioners have also filed various representation before the Additional Chief Secretary and to all other concerned, the copies of which have also been brought on record, however,



it is the contention of the learned Advocate for the petitioners that till date, no action has been taken in this regard.

4. Learned Advocate for the respondents unanimously submitted that now the entire process of selection in connection to TRE-2 has come to an end and so far the relief, as sought for in the writ petition is concerned, it is a policy decision, which is to be taken by the State.

5. Having considered the nature of the grievance and the submission set-forth, this Court deems it apt and proper to dispose off the writ petition with a liberty to the petitioners to file a detailed representation along the supporting documents before the Chief Secretary or the Additional Chief Secretary, Education Department, Government of Bihar, Patna.

6. In case, such a representation is filed, the concerned respondent authorities shall consider the same and pass appropriate order, within a reasonable time.

7. The writ petition stands disposed off.

(Harish Kumar, J)

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